

REMARKS

The Examiner rejected claims 7-11 and 18-20 under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement.

The Examiner rejected claims 7-11 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Lec et al.* (6,074,940) in view of *Daubenspeck et al.* (6,440,834).

The Examiner rejected claims 18-20 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Daubenspeck et al.* (6,440,834) in view of *Lec et al.* (6,074,940).

Applicants respectfully traverse the §112 and §103 rejections with the following arguments.

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35 U.S.C. §112, first paragraph

The Examiner rejected claims 7-11 and 18-20 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

The Examiner rejected claims 7 allegedly because "There is no support in the disclosure and in the drawings for first and second mesas directly over the fuse link and directly over the first and second vias, as recited in claim 7." In response, Applicants have amended claim 7. Applicants would like to note that "above" means being at a higher level, and that "directly above" means being at a higher level and being straight above, but not necessarily in direct physical contact. The phrase "directly above" in claim 7 can be interpreted in its plain meaning as in the real life statement "a big cloud is directly above us."

As a result, with reference to FIG. 4 of the patent application, the first and second mesas 220a and 220b are clearly directly above the fuse link 210' and directly above the first and second vias 120a and 120b, respective. Therefore, claim 7 does not fail to comply with the written description requirement under 35 U.S.C. 112, first paragraph.

The Examiner rejected claims 8 under 35 U.S.C. 112, first paragraph. Applicants cancel claim 8, therefore, the issue is moot.

The Examiner rejected claims 18 allegedly because "There is no support in the disclosure and in the drawings for first and second regions of the first and second oxygen-getter shields being directly over the fuse link, such that the fuse link is disposed between the first and second regions of the first and second oxygen-getter shields and the first dielectric layer, as recited in claim 18." In response, similar to the case of claim 7, Applicants amend claim 18. Again, Applicants would like to note that "above" means being at a higher level, and that "directly

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above" means being at a higher level and being straight above, but not necessarily in direct physical contact.

As a result, with reference to FIG. 8E of the patent application, the first oxygen-getter shield 825a comprises the first region (at top right) which is directly above the fuse link 810'. Similarly, the second oxygen-getter shield 825b comprises the second region (at top left) which is directly above the fuse link 810'. In other words, the first and second regions of the first and second oxygen-getter shields 825a and 825b are directly above the fuse link 810'. Therefore, claim 18 does not fail to comply with the written description requirement.

Based on the preceding arguments, Applicants contend that claims 7, 9-11 and 18-20 do not fail to comply with the written description requirement under 35 U.S.C. 112, first paragraph.

35 U.S.C. §103(a)

The Examiner rejected claims 7-11 under 35 U.S.C. §103(a) as allegedly being unpatentable over Lee *et al.* (6,074,940) in view of Daubenspeck *et al.* (6,440,834).

Applicants respectfully contend that claim 7 is not unpatentable over Lee in view of Daubenspeck, because Lee in view of Daubenspeck does not teach or suggest each and every feature of claim 7. For example, Lee in view of Daubenspeck does not teach or suggest the feature "the fuse link *electrically connecting* the first and second vias" of claim 7 (italic emphasis added).

Although Daubenspeck teaches in figure 1f and related text a fuse link 26 electrically connecting the first and second vias 16, there is no motivation or incentive to electrically connect the two vias 20 of Lee (FIG. 2A). In fact, Lee even teaches away electrically connecting the two vias 20 (FIG. 2A) with the fuse link 40. More specifically, with reference to FIG. 2D of Lee, gaps 41 are created so as to electrically disconnect the fuse link 40 from the two vias 20 (column 2, lines 2-8). Then, in FIG. 2E of Lee, an oxide (a dielectric material) layer 35 is formed to ensure the electrical isolation between the fuse link 40 and the two vias 20 (column 2, lines 8-9). In other words, Lee teaches away electrically connecting the two vias 20 with the fuse link 40.

Based on the preceding arguments, Applicants respectfully maintain that claim 7 is not unpatentable over Lee in view of Daubenspeck, and that claim 7 is in condition for allowance.

The Examiner rejected claim 8 under 35 U.S.C. §103(a). However, Applicants have canceled claim 8, therefore, the issue is moot.

The Examiner also rejected claim 9-11 under 35 U.S.C. §103(a). Since claims 9-11 depend from claim 7, which is in condition for allowance as argued above, Applicants contend that claims 9-11 are likewise in condition for allowance.

The Examiner rejected claims 18-20 under 35 U.S.C. §103(a) as allegedly being unpatentable over Daubenspeck *et al.* (6,440,834) in view of Lee *et al.* (6,074,940).

Applicants respectfully contend that claim 18 is not unpatentable over Daubenspeck in view of Lee, because Daubenspeck in view of Lee does not teach or suggest each and every feature of claim 18. For example, Daubenspeck in view of Lee does not teach or suggest the feature "*first and second regions* of the first and second oxygen-getter shields, respectively, are *directly above* the fuse link" of claim 18 (italic emphasis added).

In Daubenspeck, FIG. 1(f), no portion of the first and second oxygen-getter shields 20a and 20b is directly above the fuse link 26. In Lee, in FIG. 2A, contrary to the Examiner's statement, no portion of the first and second oxygen-getter shields 30 (which are directly above the two vias 20) is directly above fuse link 40. There are two regions 30 directly above the fuse link 40. However, these two regions 30 are not directly above the two vias 20 and therefore cannot be considered the first and second oxygen-getter shields for the purpose of rejecting claim 18. As a result, Daubenspeck in view of Lee does not teach or suggest the feature "*first and second regions* of the first and second oxygen-getter shields, respectively, are *directly above* the fuse link" of claim 18 (italic emphasis added).

The Examiner alleged that the fuse link in Daubenspeck, FIG. 1(f), may be longer in some applications and therefore would result in "first and second regions of the first and second

oxygen-getter shields being directly over the fuse link." Applicants respectfully disagree. In Daubenspeck, FIG. 1(f), even if the fuse link 26 is extended longer, the fuse link 26 would push the first and second oxygen-getter shields 20a and 20b farther apart, and still no portion of the first and second oxygen-getter shields 20a and 20b would be directly above the fuse link 26 as claimed in claim 18. This is so because the fuse link 26 is formed aligned with the first and second oxygen-getter shields 20a and 20b (FIGs. 1(d)-1(e)). This is contrary to the Examiner's statement that "longer fuse would result first and second regions of the first and second oxygen-getter shields being directly over the fuse link."

Based on the preceding arguments, Applicants respectfully maintain that claim 18 is not unpatentable over Daubenspeck in view of Lee, and that claim 18 is in condition for allowance.

The Examiner rejected claim 19. Since claim 19 depends from claim 18, Applicants contend that claim 19 is likewise in condition for allowance.

Moreover, the Examiner rejected claim 19 allegedly because "prior art's device comprising *a first mesa and a second mesa 20a, 20b* being directly over and in direct physical contact with the first and second oxygen-getter shields, respectively" (italic emphasis added). In response, Applicants respectfully note that earlier the Examiner used regions 20a and 20b of Daubenspeck (FIG. 1f) to teach and suggest the first and second oxygen-getter shields of claim 18. Now, the Examiner uses the same regions 20a and 20b of Daubenspeck (FIG. 1f) to teach and suggest the first and second mesas of claim 19. Because one feature in the prior art cannot be used to teach or suggest two separate features in a claim, Applicants contend that claim 19 is in condition for allowance.

The Examiner rejected claim 20. Since claim 20 depends from claim 18, Applicants contend that claim 20 is likewise in condition for allowance.

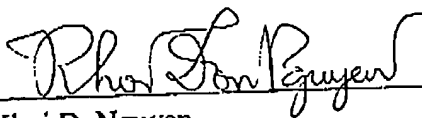
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CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 09-0456.

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